properly be filed. In the principal case the court states, in support of its opinion, the doctrine that a covenant need not be one technically running with the land in order to be enforced against a subsequent grantee with constructive notice; but it would seem that this view is hardly necessary where it is held that the reservation in the plaintiff's deed is effectual to secure to the grantor any damages that may be recovered by the grantee. INGRAHAM, J., dissented, on the ground that the reservation was ineffectual to reserve any title to or interest in the property, amounting to nothing more than a personal covenant by the plaintiff's grantee, which is not binding upon a subsequent grantee who has not expressly assumed it or whose conveyance was not made subject to it.

DESCENT AND DISTRIBUTION—MURDERER'S RIGHT TO TAKE HIS STATUTORY SHARE OF HIS VICTIM'S ESTATE.—A husband murdered his wife and three hours afterward took his own life. A statute of Missouri, Rev. St. 1899, § 2938 (Ann. St. 1906, p. 1694), provides that when a wife shall die childless, her widower shall be entitled to one-half the real and personal property belonging to her at the time of her death. Under this statute the children of the murderer, by his first wife (the wife murdered having died childless), claimed as his heirs one-half the total estate of the murdered wife. *Held,* that, by his own felony, the husband deprived himself of any right he might acquire under the statute and that he had not therefore any estate in his wife's property to which his heirs might succeed. *Perry* v. *Strawbridge et al.* (1907), 209 Mo. 621, 108 S. W. 641.

The question as to whether a murderer may take either as heir-at-law or as a beneficiary under the will of his victim has given rise to some interesting decisions, and has been the subject of no little legal controversy. 4 MICH. L. REV. 653 contains a note on this question in which it is pointed out, indeed the court in the principal case frankly admits, that the weight of judicial authority is against the decision here. Supporting this case are *Box* v. *Lanier* (1903), 112 Tenn. 393, 79 S. W. 1042, 64 L. R. A. 458 (with one justice dissenting), and *Riggs* v. *Palmer* (1889), 115 N. Y. 511, 22 N. E. 188, 5 L. R. A. 340, 12 Am. St. Rep. 819 (with two justices dissenting). The cases cited supra and the principal case practically stand alone among the decisions on this subject. Although similar cases have been in the courts for adjudication since 1889, the date of the earliest of the cases supra, no court in giving final judgment ventured, in the face of authority, to follow what is undoubtedly the weight of reason until *Box* v. *Lanier* in 1903. In 1891 *Shellenberger* v. *Ransom,* 31 Neb. 61, 47 N. W. 700, 28 Am. St. Rep. 500, 10 L. R. A. 810, squarely followed *Riggs* v. *Palmer,* supra, the opinion of COBB, C. J., coinciding with the views of GATES, J., in the principal case, but in the Nebraska case on a rehearing the court with an undivided bench repudiated its former holding. 4 HARV. L. REV. 394 approved the case of *Riggs* v. *Palmer* as to its result, but not as to its reasoning; it was there pointed out that the murderer was not wholly barred by his felony, and suggested that he should be given a bare legal title sufficient to pass an estate to innocent

heirs, on the ground that justice would be satisfied by depriving the murderer of the beneficial enjoyment of the fruits of his crime. The New York court regarded this modification of the doctrine laid down in *Riggs* v. *Palmer* with favor, and shortly afterwards embodied this suggestion in the decision of *Ellerson* v. *Westcott,* 148 N. Y. 149. The principal case is then, with the exception of *Box* v. *Lanier,* supra, the first to follow *Riggs* v. *Palmer* since 1889, and it is the first case in the American courts on this subject to be decided by an undivided bench.

DIVORCE—ABANDONMENT—INSANITY OF DESERTING SPOUSE.—A state statute provides that a divorce may be had where either party willfully abandons the other for a period of two years without just cause. Petitioner sues for divorce on the ground of desertion. Respondent had willfully deserted petitioner and before the statutory period had elapsed became insane. Respondent defends by guardian *ad litem* and denies willfully deserting petitioner for the statutory period, as she became insane before the statutory period had elapsed. *Held,* where a wife abandons her husband without just cause and thereafter becomes insane, a cause of action for divorce does not accrue to the husband until a lapse of two years, exclusive of the time that she is insane. *Kirkpatrick* v. *Kirkpatrick* (1908), — Neb. —, 116 N. W. 499.

The question in the principal case does not appear to have been before the courts often, as few authorities directly in point can be found. One of the most recent decisions covering the precise point involved holds that in a libel for divorce for abandonment, the time during which the libelee has been insane cannot be included in computing the statutory period of three years. *Storrs* v. *Storrs,* 68 N. H. 118, 34 Atl. 672. On the other hand, it has been held, under a statute similar to the one in the principal case, that the fact of insanity after the abandonment and before the expiration of the period requisite to constitute a ground for divorce is no excuse. *Douglass* v. *Douglass,* 31 Iowa 421. The Iowa statute reads as follows: "When he willfully deserts his wife and absents himself without a reasonable cause for the space of two years." The court in rendering its decision observed that the statute did not require the absence to be willful. However willful the desertion may be, and however destitute of reasonable cause, it is no ground for divorce unless continued for the space of two years. At any time within that period the offending party has the right to put an end to it, and when that is done no cause of divorce has accrued. *Albee* v. *Albee,* 141 Ill. 550, 31 N. E. 153. The court in the principal case argues that according to the weight of reasoning an insane person should not be deprived of the benefit of the statute because of such affliction.

EASEMENTS—CONSTRUCTION—AUTOMOBILES AS CARRIAGES.—By a certain deed a strip of ground, or alley, was reserved for a "carriage-way" for the benefit of the owners of two lots abutting thereon. The defendant acquired title to a portion of one of those lots and erected upon it an automobile